

North Little Rock Board of Adjustment

Minutes

July 30, 2009

The regular meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 1:32 P.M. in the Planning Office (Conference Room B).

Members Present

Debra Roberts
Tom Brown
Jimmy Phillips
Andy Hight
Carl Jackson, Chairman

Members Absent

None

Staff Present

Robert Voyles, Planning Director
Wade Dunlap, City Planner
B. J. Jones, Secretary
Bill Brown, City Attorney's Office

Others Present

Russ Elrod, NLR Code Enforcement
Debi Ross, 3521 Lakeshore Dr.
Mike Shannon, 111 Center St, LR, AR
Tom Gibbons, Lamar Advertising, 12001 I-30 LR, AR 72209

Approval of Minutes

Mr. Brown made the motion to approve the minutes of the June 25, 2009 meeting as submitted.

Ms. Roberts seconded the motion. There was no dissent.

Old Business

1. **BOA CASE #1407** – Capitol Service Company, 914 North Olive St – Requesting an extension on approval to allow variances of 8 ft from the required 30 ft. rear yard setback and 17 ft. from the required 30 ft. on the east side yard setback. **Requesting an extension on the approval time period for a permit.**

Chairman Jackson stated the case number, the applicant's name and requested that the applicant come before the Board.

Mr. Dunlap explained that Alderwoman Debi Ross is in attendance to represent the applicant, due to the death of the owner of the business. He reminded the Board that Mr. Troy Laha had represented the applicant for the initial request in July of 2008. The property had been before the Planning Commission to be rezoned and re-platted and this Board had granted the requested variance. There had been two subsequent extensions due to the applicant's health related issues.

Ms. Ross explained that due to the recent death, she had not contacted the family regarding an extension, but decided to represent them on the matter instead.

Chairman Jackson asked Ms. Ross how much time was needed for the extension.

Ms. Ross replied that she was not certain, perhaps ninety days.

Mr. Dunlap noted that Mr. Voyles had received a letter asking for a one year extension.

Chairman Jackson asked for staff recommendations.

Mr. Dunlap responded that staff recommends approval.

Mr. Brown formed a motion to grant a one year extension.

Ms. Roberts seconded the motion and it passed with a unanimous vote.

New Business

1. **BOA CASE #1428** – Mr. Tom Gibbons, Lamar Outdoor Advertising – Billboard location 2620 E. Broadway St – To appeal Planning Director's administrative decision that half of the value of the structure was lost by storm.

Chairman Jackson stated the case number, the applicant's name and requested that the applicant come before the Board.

Bill Brown explained that the applicant is present with his legal counsel, Mr. Mike Shannon, in response to a stop work order by the Planning Director for a non-conforming sign that had been damaged in a recent storm.

He added that the applicant's counsel believes the case should be heard in front of the Sign Board and is asking that the case be moved to that body.

Mr. Shannon agreed that he would like to continue the matter, not waiving any rights. He wanted to be certain that the matter is addressed before the correct body.

Mr. Tom Brown asked why the case had been assigned to this Board in the first place.

Mr. Voyles explained that the sign code is part of the zoning ordinance; therefore either body could hear the case.

He noted that he was following previous direction from the previous City Attorney directing that all appeals regarding zoning should be heard by this Board. He acknowledged that there is a different City Attorney now, who is unavailable at this time, but he does not object to hearing the case in front of the Sign Board.

Bill Brown added that there are two conflicting appeals and that more specific language is needed. He agrees that counsel has brought up a good point and doesn't believe that there should be any objections to the request to move the case to the Sign Board.

Mr. Tom Brown asked if the stop work order would remain in place until the case is heard by the Sign Board.

Mr. Shannon assured the Board that the applicant would not proceed until the hearing had taken place.

Bill Brown concurred and noted that he should have specified such.

Ms. Roberts asked if a motion is required to transfer the case to the Sign Board.

Bill Brown replied in the negative and added that the Sign Board will determine if the Board of Adjustment should have jurisdiction. He restated his opinion that the Sign Board should hear the case and reiterated that no one is waiving any rights to the appeals process.

Mr. Tom Brown asked if this Board should hear a motion to postpone the case, considering that the Sign Board might return the case to this Board.

Chairman Jackson replied that in considering the recommendations from the City Attorney's office, the case should simply be removed from the agenda.

There was no dissent from the Board.

Administrative:

Mr. Voyles supplied the Board with a handout of information he had prepared, explaining that this matter had generated questions due to the infrequent occurrence of such matters.

Chairman Jackson acknowledged that this Board has always understood itself to be an appeal body.

Ms. Roberts asked if the matter would go before the City Council if the Sign Board ruling differed from that of Mr. Voyles.

Mr. Voyles replied in the negative.

Ms. Roberts asked who was on the Sign Board and when they would meet.

Mr. Dunlap named the Sign Board members and informed the Board of the Sign Board meeting date.

PUBLIC COMMENT/ADJOURNMENT:

Ms. Roberts made the motion to adjourn at 1:56 pm and there was no dissent.

PASSED: _____ RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN

ROBERT VOYLES, DIRECTOR